

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**BLUECROSS BLUESHIELD
OF TENNESSEE, INC.**

Plaintiff,

Case No. 3:19-cv-01116

v.

**LAURIE S. LEE, in her official capacity as
Executive Director of the Department of
Finance and Administration
(Benefits Administration) for the
State of Tennessee,**

and

**JOHN AND JANE DOES 1-100, in their
official capacities as employees of the State
of Tennessee**

Defendants.

**ORDER GRANTING
UNOPPOSED MOTION FOR TEMPORARY RESTRAINING ORDER**

Before the Court is Plaintiff's Unopposed Motion for Temporary Restraining Order, which was filed contemporaneously with Plaintiff's Complaint, and is supported by a Memorandum of Law, and the Declarations of Scott Pierce, Plaintiff's Chief Operating Officer and Robert E. Boston, Plaintiff's counsel. Having reviewed the motion, supporting material, and argument of counsel how

presented, the Court finds that there is good cause for granting the Temporary Restraining Order. Plaintiff is properly seeking prospective, injunctive relief to remedy an ongoing violation federal law, consistent with the requirements of the *Ex Parte Young*.

Plaintiff has demonstrated a likelihood of success on the merits on its Sherman Act and Fifth Amendment claims, having shown to a sufficient degree that there is an ongoing violation of the Sherman Act and constitutional law. Further, Plaintiff has shown that the disclosure of the Confidential Information will cause it significant, irreparable harm. The Court finds that, under the “inverse relationship” between likelihood of success and “irreparable harm” principle, the extreme risk of irreparable harm would justify the issuance of this temporary restraining order, even if the showing on likelihood of success was more limited. The Court finds there is no or essentially no risk of harm to the State Employee Defendants or anyone else from temporarily enjoining the disclosure, and the public will generally benefit from their being no disclosure of the Confidential Information at this time.

The Court also notes that the Motion for Temporary Restraining Order is unopposed, and for this additional reason, the Motion should be **GRANTED**. Therefore, finding good cause to issue this temporary restraining order, the Court hereby **ENJOINS** until further order of the Court any disclosure of the Confidential Information as defined in the Complaint by the State Employee Defendants pursuant

to the Open Records Law request of Representative Martin Daniel. The State Employee Defendants may not disclose Confidential Information pursuant to the pending Open Requests Law request of Representative Daniel (or any subsequent request) until further Order of this Court.

Entered this 13th day of December 2019, at 5:00 p.m. This order shall expire at the latest on January 17, 2019, at 5:00 p.m.

Eli Richardson
ELI RICHARDSON
UNITED STATES DISTRICT JUDGE